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Re

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,814	12/27/2001	Daisuke Kitazawa	217663US2	1905
22850	7590	01/27/2006	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			LE, NHAN T	
		ART UNIT		PAPER NUMBER
				2685

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/026,814	KITAZAWA ET AL.	
	Examiner Nhan T. Le	Art Unit 2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 10 November 2005.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-18 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-18 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

- 1.) Certified copies of the priority documents have been received.
- 2.) Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- 3.) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khan et al (US 6,400,954) in view of Mayrand et al (US 5,504,939) further in view of Linderborg et al (US 6,834,193).

As to claims 1, 10, Khan teaches an acceptance control apparatus, used in a radio communication system comprising a receiving part which receives a connection request signal which newly requires connection (see fig. 3, number 40, col. 5, lines 14-40); a request quality holding part which holds only required communication quality values on terminals for each of which connection has been accepted (see fig. 3, number 42, col. 5, lines 14-40); and a determination part which determines acceptance of the connection for the new terminal (see fig. 3, numbers 44, 48, col. 5, lines 14-40); wherein the determination part obtains an available communication quality value from the required communication quality values of the terminals currently on connection held by the request quality holding part and a maximum permissible communication quality value of the radio communication system, and, when the available communication quality value satisfies the required communication quality value of the new terminal, the determination part accepts the connection for the new terminal (see col. 5, lines 63-67,

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col. 6, lines 1-49). Khan fails to teach a required communication quality value from a new terminal. Mayrand teaches a required communication quality value from a new terminal (see col. 6, lines 21-53). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Mayrand into the system of Khan in order to select proper channel in the communication system (as suggested by Mayrand col. 6, lines 28-33). The combination of Khan and Mayrand fails to teach wherein a determination part which determines refusals of the connection for the new terminal based on the signal quality. Linderborg teaches wherein a determination part which determines acceptance/refusals of the connection for the new terminal based on the signal quality (see col. 5, lines 29-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Linderborg into the system of Khan and Mayrand in order to prevent the signal interference between the mobile devices.

As to claims 4, 13, the combination of Khan, Mayrand and Linderborg teaches wherein a throughput value is employed as the communication quality value for determining acceptance/refusal of connection of the new terminal (see Khan fig. 3, numbers 44, 48, col. 5, lines 14-40).

As to claim 5, 14, the combination of Khan, Mayrand and Linderborg teaches wherein a delay time value is employed as the communication quality value for determining acceptance/refusal of connection of the new terminal (see Khan col. 5, lines 41-62).

As to claims 2, 11, Khan teaches an acceptance control apparatus, used in a

radio communication system comprising a receiving part which receives a connection request signal which newly requires connection (see fig. 3, number 40, col. 5, lines 14-40); a quality measuring and holding part which obtains a communication quality type of the required communication quality of the new terminal received by the receiving part, measures the communication quality values on the terminals currently on connection for the thus-obtained communication quality type, and holds the measurement values (see fig. 3, number 42, col. 5, lines 14-40); and a determination part which determines acceptance/refusal of the connection for the new terminal (see fig. 3, numbers 44, 48, col. 5, lines 14-40); wherein the determination part calculates an available communication quality value from the measurement values of the communication quality type held by the quality measuring and holding part and a maximum permissible communication quality value of the radio communication system, and, when the available communication quality value satisfies the required communication quality value of the new terminal, the determination part accept the connection for the new terminal (see col. 5, lines 63-67, col. 6, lines 1-49). Khan fails to teach a required communication quality value from a new terminal. Mayrand teaches a required communication quality value from a new terminal (see col. 6, lines 21-53). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Mayrand into the system of Khan in order to select proper channel in the communication system (as suggested by Mayrand col. 6, lines 28-33). The combination of Khan and Mayrand fails to teach wherein a determination part which determines refusals of the connection for the new terminal based on the signal

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quality. Linderborg teaches wherein a determination part which determines acceptance/refusals of the connection for the new terminal based on the signal quality (see col. 5, lines 29-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Linderborg into the system of Khan and Mayrand in order to prevent the signal interference between the mobile devices.

As to claims 6, 15, the combination of Khan, Mayrand and Linderborg teaches wherein a throughput value is employed as the communication quality value for determining acceptance/refusal of connection of the new terminal (see Khan fig. 3, numbers 44, 48, col. 5, lines 14-40).

As to claims 7, 16, the combination of Khan, Mayrand and Linderborg teaches wherein a delay time value is employed as the communication quality value for determining acceptance/refusal of connection of the new terminal (see Khan col. 5, lines 41-62).

As to claims 3, 12, Khan teaches an acceptance control apparatus, used in a radio communication system comprising a receiving part which receives a connection request signal from a new terminal which newly requires connection (see fig. 3, number 40, col. 5, lines 14-40); a request quality holding part (see fig. 3, number 42, col. 5, lines 14-40) which holds only required communication quality values on terminals for each of which connection has been accepted; and a quality measuring and holding part which obtains a communication quality type of the required communication quality of the new terminal received by the receiving part, measures the communication quality

values on the terminals currently on connection for the thus- obtained communication quality type, and holds the measurement values (see fig. 3, number 42, col. 5, lines 14-40); and a determination part which determines acceptance/refusal of the connection for the new terminal (see col. 5, lines 63-67, col. 6, lines 1-49); wherein the determination part calculates an available communication quality value from the required communication quality values of the terminals currently on connection for the terminal for each of which the measurement value is more superior than the required value held by the request quality holding part, the measurement values of the communication quality type for the terminals for each of which the measurement value is less superior than the required value held by the quality measuring and holding part, and a maximum permissible communication quality value of the radio communication system, and; when the available communication quality value satisfies the required communication quality value of the new terminal, the determination part accept the connection for the new terminal (see col. 5, lines 63-67, col. 6, lines 1-49). Khan fails to teach a required communication quality value from a new terminal. Mayrand teaches a required communication quality value from a new terminal (see col. 6, lines 21-53). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Mayrand into the system of Khan in order to select proper channel in the communication system (as suggested by Mayrand col. 6, lines 28-33). The combination of Khan and Mayrand fails to teach wherein a determination part which determines refusals of the connection for the new terminal based on the signal quality. Linderborg teaches wherein a determination part which determines

acceptance/refusals of the connection for the new terminal based on the signal quality (see col. 5, lines 29-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Linderborg into the system of Khan and Mayrand in order to prevent the signal interference between the mobile devices.

As to claims 8, 17, the combination of Khan, Mayrand and Linderborg teaches wherein a throughput value is employed as the communication quality value for determining acceptance/refusal of connection of the new terminal (see Khan fig. 3, numbers 44, 48, col. 5, lines 14-40).

As to claims 9, 18, the combination of Khan, Mayrand and Linderborg teaches wherein a delay time value is employed as the communication quality value for determining acceptance/refusal of connection of the new terminal (see Khan col. 5, lines 41-62).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T Le whose telephone number is 571-272-7892. The examiner can normally be reached on 08:00-05:00 (Mon-Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

N.L.

Nhan Le

Nguyen Vo  
1-22-2006

NGUYENT.VO  
PRIMARY EXAMINER